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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,115	04/30/2001	Masayuki Chatani	375.14.01	5023
25920	7590	02/10/2005	EXAMINER NAJJAR, SALEH	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/846,115	CHATANI, MASAYUKI	
	Examiner	Art Unit	
	Saleh Najjar	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 September 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 and 21-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 and 21-37 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2157

1. This action is responsive to the amendment filed on September 30, 2004. Claims 1-19, 21-23, 25-30 were amended. Claim 20 was canceled. Claims 31-37 were newly added. Claims 1-19, and 21-37 are pending.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 28 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 28 contains the limitation characters defined by the game software which is not supported in the specification. Claim 37 contains the limitation of a game object which is not supported in the specification.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-2, 4-5, 8-9, 11-16, 22-23, 25, 30, and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Smits, U.S. Patent No. 6,125,115.

Smits teaches the invention as claimed including a teleconferencing system and method in which three dimensional spatialization transformations are applied to data based on participants' locations (see abstract).

As to claim 1, Smits teaches a (Currently amended) A method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network, comprising:

specifying content data output characteristics to be associated with the content data upon output by the second computer (see figs. 1-6; col. 6, lines 1-50, Smits discloses specifying output data characteristics associated with audio conferencing terminals);

transmitting the content data from the first computer to the second computer over the bi-directional communications network (see col. 4, lines 60-65, Smits discloses that conferencing data are transmitted across the network); and

altering the content data that is to be output by the second computer in accordance with the content data output characteristics specified through the first computer the content data output characteristics including location information of the first and second computers the location information affecting the altering of the content data (see figs. 1-5; col. 1-50; col. 7, lines 1-50, Smits discloses that data is modified based on the position of the conferencing terminals).

As to claim 2, Smits teaches the method of claim 1, further comprising the steps of :

receiving the content data in the first computer; digitizing the received content data to produce digitized content data; transmitting the digitized content data to the second computer over the bi- directional communications network, altering the digitized content data in accordance with the content data output characteristics; transforming the altered digitized content data to a form capable of output from the second computer,

and outputting the transformed altered digitized content data from the second computer (see col. 6, lines 1-50, Smits discloses that analog speech data is converted to digital data which is transmitted and inversely decomposed in the receiving computer).

As to claim 4, Smits teaches the method according to claim 2, wherein the received content data comprises voice data input into the first computer (see col. 6, lines 1-20; col. 7, lines 1-60).

As to claim 5, Smits teaches the method according to claim 4, wherein the transformed altered digitized content data comprises audio output transmitted through speakers coupled to the second computer (see col. 6, lines 1-30).

As to claim 8, Smits teaches the method according to claim 5, wherein the content data output characteristics are defined by input received by the second computer through a user interface (see col. 6).

As to claim 9, Smits teaches the method according to claim 5, wherein the content data output characteristics are stored in a database residing in a memory storage coupled to the second computer (see col. 6).

As to claim 11, Smits teaches the method of claim 5 wherein the first and second computers are coupled to audio speakers, and wherein the content data output characteristics comprise an audio output ratio for outputting content data from the audio speakers (see figs. 1-6; col. 6, lines 40-50).

As to claim 12, Smits teaches the method of claim 5 wherein the location information for the first and second computers are respectively obtained from the first and second computers (see col. 6, lines 40-60).

As to claim 13, Smits teaches the method of claim 5 wherein the location information for the first and second computers are respectively determined by the physical location of the first and second computers (see col. 6, lines 55-60).

Claims 14-16, 22-23, 25, 30, and 32-33 do not teach or define any new limitations above claims 1-2, 4-5, 8-9, 11-13 and therefore are rejected for similar reasons.

As to claim 34, Smits teaches the interactive network system as recited in claim 32, wherein the location information of the first and second computers are associated with respective characters to be shown on a display of both of the first and second computers (see figs. 1-6; col. 6-7).

6. Claims 3, 24, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smits.

Smits teaches the invention substantially as claimed including a teleconferencing system and method in which three dimensional spatialization transformations are applied to data based on participants' locations (see abstract).

As to claims 3, and 24, Smits teaches the method and system of claims 2, and 23 respectively.

Smits fails to teach the limitation wherein the content data comprises text data.

However, "Official Notice" is taken that the concept and advantages of transmitting data that includes text data between interactive terminals is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smits by specifying text as content data. One would be motivated to do so to allow for communication between the hearing impaired as an example.

As to claim 36, Smits teaches the interactive network system as recited in claim 32 wherein the first and second computers are networked together (see col. 6-7).

Smits fails to teach the claimed limitation wherein a server assists in the communication and data handling between the first and second computers.

However, "Official Notice" is taken that the concept and advantages of implementing a server in a network for handling data communication between networked devices is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smits by including a server for handling data. One would be motivated to do so to off-load processor intensive computation from the client devices.

7. Claims 6-7, 17-19, 21, 26-29, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smits further in view of Matsuda.

Smits teaches the invention substantially as claimed including a teleconferencing system and method in which three dimensional spatialization transformations are applied to data based on participants' locations (see abstract).

As to claim 6, Smits teaches the method according to claim 5, wherein the content data output characteristics include parameters that alter content data associated with the audio output from the second computer (see col. 6-7).

Smits fails to teach the limitation wherein the content data output characteristics comprises at least one of character gender, character condition, character environment, and language.

However, Matsuda teaches an interactive three dimensional virtual reality space sharing environment (see abstract). Matsuda teaches the limitation wherein the content data output characteristics comprises at least one of character gender, character condition, character environment, and language (see col. 46, line 25, Matsuda discloses that the voice data characteristics may be adjusted based on a character environment).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smits in view of Matsuda so that content data output characteristics comprises at least one of character gender, character condition, character environment, and language. One would be motivated to do so to associate the character with the proper audio tone with the displayed conferencing character used.

As to claim 7, Smits teaches the method according to claim 5, wherein the content data output characteristics are defined by input received by the first computer through a user interface (see col. 6-7).

As to claim 21, Smits teaches the system of claim 19 wherein content data output characteristics comprise an audio output ratio for outputting content data from the audio speakers coupled to the second computer (see col. 6, lines 1-50).

Claims 17-19, 26 do not teach or define any new limitations above claims 6-7 and therefore are rejected for similar reasons

As to claims 27-28, Smits teaches the server computer according to claim 23, wherein the bi-directional communications network comprises an interactive network (see col. 6-7).

Smits fails to teach the claimed limitation wherein the server computer and the one or more client computers include game consoles configured to execute interactive game software wherein the content data output characteristics are associated with respective characters defined by in the game software, each one of the respective characters is associated with a particular client computer of the one or more client computers.

However, Matsuda teaches an interactive three dimensional virtual reality space sharing environment (see abstract). Matsuda teaches the limitation wherein the server computer and the one or more client computers include game consoles configured to execute interactive game software (see col. 7, Matsuda discloses that server and clients can include game terminals).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Smits in view of Matsuda so that game terminals are incorporated into the Smits reference for providing interactive gaming. One would be motivated to do so to provide interactive functionality between terminals on the network.

Claims 29, 35 and 37 do not teach or define any new limitations above claims 27-28 and therefore are rejected for similar reasons.

8. Claims 10 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda further in view of Suzuki.

Smits teaches the invention substantially as claimed including a teleconferencing system and method in which three dimensional spatialization transformations are applied to data based on participants locations (see abstract).

As to claim 10, Smits teaches a method of modifying content data transmitted from a first computer to a second computer over a bi-directional communications network comprising:

specifying content data output characteristics to be associated with the content data upon Output by the second computer;

transmitting the content data from the first computer to the second computer over the bi-directional communications network's altering the content data that is to be output by the second computer in accordance with the content data output characteristics wherein the first computer is coupled to a plurality of client computers over an interactive network, and wherein each user of a client computer is associated with a character represented in a program executed on each computer (see fig. 1; col. 43-46),

Matsuda fails to teach the limitation of determining a relative location of the user characters in an environment defined by the program and altering the output characteristics of the output audio depending upon the location of each character associated with each of the users wherein the output characteristics comprise a relative volume ratio of output from the left and right speakers, wherein the relative location information for each of the users is stored locally for each of the users, and wherein the relative location information for each of the users is determined by a relative physical location of the users with respect to the interactive network.

However, Suzuki teaches a shared virtual space display method and system where client terminals always send position location information of and adjustment of speech levels are made based on location and distance (see abstract). Suzuki teaches determining a relative location of the user characters in an environment defined by the program and altering the output characteristics of the output audio depending upon the location of each character associated with each of the users wherein the output characteristics comprise a relative volume ratio of output from the left and right speakers, wherein the relative location information for each of the users is stored locally

for each of the users, and wherein the relative location information for each of the users is determined by a relative physical location of the users with respect to the interactive network (see pages 11-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Matsuda in view of Suzuki so that voice data is altered based on location information. One would be motivated to do so to provide a realistic perception of virtual characters to client participants.

9. Applicant's arguments with respect to claims 1-19, 21-37 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157